

**Tennessee Ethics Commission**  
**October 23, 2007**

Pursuant to the call of Chairman Thomas J. Garland, the Tennessee Ethics Commission ("Commission") met on Tuesday, October 23, 2007, at 11:00 a.m. in the Executive Conference Room at the State Capitol.

The following members were present: Thomas J. Garland (Chair), Donald J. Hall, Linda W. Knight, Dianne F. Neal, and Benjamin S. Purser, Jr. Commissioner Larry Brown participated by teleconference.

Chairman Garland called the meeting to order at 11:30 a.m.

Chairman Garland called for approval of the September 27, 2007 minutes. Several edits and written comments were presented by the Commissioners. Commissioner Hall moved for the approval of the minutes as amended and Commissioner Neal seconded. The minutes, as amended, were approved 5-1, with Commissioner Purser voting no.

Bruce Androphy presented the Executive Director's report. Mr. Androphy asked that the Commission set a policy for when the staff becomes aware of a potential violation and how to respond to that information. Commissioner Neal responded that this should be an item of new business and that the Commission be provided with some analysis and information. Commissioner Knight responded that the Commission needs a rule to respond to information of a possible violation received by staff. Commissioner Hall made the motion to defer consideration of this matter to the next meeting. Commissioner Neal seconded, and the motion to defer passed unanimously.

The Commission discussed the application process for the position of General Counsel. It was decided that Mr. Androphy will interview the candidates and that one commissioner can be present during the interview if a commissioner desires to do so. Mr. Androphy will present four candidates to the Commission for final interview at the next public meeting.

Mr. Androphy presented one waiver for the lobbyist training fee to the Commission. Commissioner Knight made the motion to deny the waiver; Commissioner Hall seconded; Commissioner Brown abstained. Commissioner Purser asked if the Commission would consider each waiver request individually. Commissioners Hall and Neal responded that the Commission should hear and deal with each request.

Commissioner Knight brought up Legislative Training in the Executive Director's report. Mr. Androphy proposed that members of the legislature attend a "current issues class" and new members take the "orientation class." There were three members who did not attend the orientation class during the last legislative session, and Mr. Androphy sought the Commission's direction on whether to require these members to attend that class.

Commissioner Purser made the motion to require these members to attend the orientation class. Commissioner Knight seconded and the motion passed unanimously.

Commissioner Knight stated that she had questions about the employer disclosure report form. She stated that the Commission had made changes to the report in April so that it would conform to the statute and noted that the categories of disbursements on the current form are not what the Commission approved in April. Commissioner Knight read the statute and Commissioner Purser stated the Commission does not have statutory authority to have a “none box” on the form, although an employer could write in “none” or “zero.” Commissioner Neal stated that the staff should not take it upon themselves to change what the Commission had previously approved. The Commission was in agreement.

The Commission next set the meetings for the rest of 2007 and for 2008. The Commission set the following dates:

November 8, 2007 – 12:00 (for general counsel candidate interviews)  
December 3 (afternoon) and December 4 (morning)  
January – Third Tuesday  
February – December – 4<sup>th</sup> Tuesday

The Commission considered the draft Complaint Proceedings Rules. General Counsel Turner explained that the changes in this draft were recommendations from the last Commission meeting and that she added Commissioner Neal’s original comment regarding scheduling of probable cause hearings. Commissioner Knight also presented an edited version.

Commissioner Hall made a motion to not accept Commissioner Knight’s suggested phrase “shall report these findings to the Commission and if Commission ...” and go back to original language submitted by General Counsel. Commissioner Purser seconded. Motion passed 4-2 with Commissioners Knight and Neal voting no.

After discussion and suggested edits, the Commission decided to bring up the draft Complaint Proceedings Rules at the November 8, 2007, meeting.

Chairman Garland stated that he shared by email and announced in the August Commission meeting that he wanted to go ahead and select a new chair. Chairman Garland opened the floor for nominations for Chair. Commissioner Purser nominated Commissioner Hall. Commissioner Brown seconded. There were no further nominations. Commissioner Neal moved that motions cease. Commissioner Purser seconded. Motion to elect Commissioner Hall as Chair passed unanimously.

Chairman Garland announced that consideration of the draft **Advisory Opinion 07-07** would be postponed, although the Commission had previously agreed upon the result. However, the Commission did invite Candi Rawlings to respond to questions asked by

Commissioner Knight. Commissioner Garland asked Anne Turner to send to Commissioner Brown the responses to questions.

The Commission considered draft **Advisory Opinion 07-12** (regarding hosting a fund raising event for a member or candidate for the General Assembly) and the draft presented by Commissioner Knight. After discussion of the draft by the Commission, Mr. Androphy requested that the Commission approve allowing the staff to do another draft. Commissioner Hall moved to approve, subject to 72-hour turnaround. Commissioner Purser seconded. Vote was unanimous.

The meeting was concluded at 4:50 p.m.

Respectfully submitted,

Becky Bradley